THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

And

THE HON'BLE SRI JUSTICE D.APPA RAO

–

WRIT PETITION No.10435 of 2006

ORDER: (per the Hon'ble Sri Justice L.Narasimha Reddy)

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The petitioner is employed as a Medical Officer in the Medical and the Heath Services of the State of Andhra Pradesh. Till recently, he was working as Ophthalmic Assistant in the Area Hospital at Narasaraopet, Guntur. Through order, dated 25.04.2006, he was transferred as Medical Assistant to Primary Health Centre, at Chandrajupalem, Guntur District, against an existing vacancy. Aggrieved thereby, the petitioner filed O.A.No.2655 of 2006 in the A.P.Administrative Tribunal. He prayed for interim orders. But, the Tribunal had ordered notice. Under these circumstances, the petitioner approached this Court by filing this petition.

Sri G.Gopalarao, the learned counsel for the petitioner submits that the order of transfer is vitiated, on account of the fact that it was passed at the instance of a local M.LA., as is evident from the references in the impugned order itself. He further contends that the petitioner would suffer hardship, in case he is required to work in other places.

The learned Government Pleader for Medical and Health and Family Welfare, on the other hand, submits that the transfer being an incidence of service, the petitioner cannot object to the impugned order. He contends that the petitioner was transferred, duly following the procedure and parameters stipulated for this purpose.

This Court would certainly have been impressed by the fact that the reference is made in the impugned order, through a letter dated 22.04.2006 addressed by

the local M.L.A., but for the fact that the petitioner completed his ordinary standing of three years at the existing station. It is not as if the petitioner was chosen for this transfer, while retaining the others with a long standing, at the same place. Even assuming that the petitioner is going to suffer hardship, on account of the transfer, that, by itself cannot vitiate the impugned order. The various other contentions advanced by the learned counsel for the petitioners are to be adverted by the Tribunal while hearing the O.A. The interests of the petitioner can be protected by directing the Tribunal to expedite the hearing of the O.A. and by requiring the respondents to consider the feasibility of keeping the post of Ophthalmic Assistant in Area Hospital, Narasaraopet, vacant, if it is not going to cause any serious hardship to the patients and dislocation to the administration.

Hence, the Writ Petition is disposed of directing the Andhra Pradesh Administrative Tribunal to expedite the hearing of the O.A., and by directing the respondents to consider the feasibility of keeping the post at Area Hospital, Narasaraopet, vacant, till the disposal of the writ petition, if it does not result in any hardship to the patients. The joining of the petitioner at the new station shall be subject to the result of the O.A. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

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(D.APPA RAO, J)

24th May, 2006.

Note: Issue c.c., tomorrow.

(B/o)

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

And

THE HON'BLE SRI JUSTICE D.APPA RAO

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WRIT PETITION No.10435 of 2006

(per the Hon'ble Sri Justice L.Narasimha Reddy)

Date: 24.05.2006